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THE STATE OF NEW JERSEY	:	
	:	
vs.	:	BEFORE: HON. FRANK L. CLEARY,
	:	
HENRY D. CARPENDER	:	Judge.
----- X	:	
THE STATE OF NEW JERSEY	:	
	:	
vs.	:	
	:	
WILLIAM STEVENS	:	
----- X	:	

Somerville, N. J., August 13, 1926.

A p p e a r a n c e s:

ALEXANDER SIMPSON, ESQ., Special Prosecutor,
Counsel for the State.

TIMOTHY PFEIFFER, ESQ.,
ROBERT H. McCARTER, ESQ.,
~~CLIFFORD I. VOORHEES~~, ESQ.,
Counsel for the Defendants.

G E O R G E D. T O T T E N. a witness produced on behalf
of the State, being duly sworn according to law
on his oath, saith:

DIRECT EXAMINATION BY MR. SIMPSON:

Q Where do you live? A Somerville.

Q On the 14th of September, 1922, what was your occupation?

A County Detective.

Q Were you called to these two bodies on the Saturday morning
following the 14th of September? A Yes, sir.

Q Where did you find the bodies? A On property known as
Phillips Farm in Franklin Township.

Q What time did you get there? A I believe it is 11:30.

Q On Saturday morning? A In the morning; yes, sir.

Q Will you describe what you found when you got there?

A The two bodies lay on the ground on their backs. The man's
body was to the left of the lady's. The right hand of the
gentleman was partly under the left shoulder of the lady.
There were glasses on the gentleman.

Q In what position were the glasses? A They were on his
nose, adjusted apparently in a proper manner.

Q And were they eye-glasses? A The same as I have.

Q Right over the ears? A With the ear piece on.

Q Just go on with the description of the rest as you found it.

A The lady had a scarf partly around her neck which partly concealed her. There were some letters, cards, a driver's license, and so forth, laying promiscuously on the ground between the two bodies.

Q Go ahead, Mr. Totten. A The lady's clothing was properly arranged. There lay a hat, I believe on the side of her head, a lady's hat. That is apparently all of my observation with regard to the bodies and their position.

Q What did you do with these letters that you say were lying scattered between the bodies? A The letters were taken in charge of at that time by the Sheriff, Mr. Conklin, who was with me.

Q Was there any card? The summons speaks of a card with the name on it at the foot of the man. A I don't recall seeing a card at the foot of the man.

Q You don't know, if there was a card, who got it?

A I don't know. I couldn't swear to that.

Q Were you there when the bodies were removed?

A I don't think I was at that time; no, sir.

Q Did you notice whether the woman's throat was cut or not?

A I did.

Q Did you call anybody's attention to that? A Yes, sir.

Q Whose attention did you call to it? A County Physician Long.

- Q What did he say? A He said, "Don't talk too loud about that. This is an important case."
- Q After that were you there until the bodies were removed?
- A I were in and about the premises, but I don't recall--
- Q I don't get that. A I were in and about the ~~premises~~ place.
- Q What is the place known as, where you found the bodies?
- A It is known as Phillips Farm, right east of Derussy Lane.
- Q East of Derussey Lane? A Yes.
- Q Was there a crabapple tree near? A There was at that time.
- Q Where did the bodies lay? A The bodies lay almost under the crabapple tree.
- Q Subsequent to that did you go in company with Prosecutor Beekman anywhere to make any investigation? A Yes, sir; the next morning.
- Q Sometime after that did you go to the residence of Mr. Stevens where he lived in company with the prosecutor?
- A Mr. Stevens?
- Q Yes. They call him Willie Stevens, one of the defendants.
- A The home of Willie Stevens with Mrs. Hall; yes, sir.
- Q The Hall house? A Yes, sir.
- Q Did you go there with Prosecutor Beekman? A I did.
- Q Whom did you see when you went inside? A Mrs. Hall, Mr. Lawrence, Henry Stevens, who I understand is a brother of Mrs. Hall.

Q Did you have any conversation with Mrs. Hall in reference to the 14th of September? A Yes, sir.

Q Will you describe--you need not give in detail, but will you describe what happened at the end of the conversation?

A At the end of the conversation Mrs. Hall hadn't detailed anything regarding her presence from the house that night, or absence from the house.

Q Up to what time had she described her movements? You don't understand me. Mr. Beekman had concluded his conversation with her. Up to what time had Mrs. Hall carried her movements at the time this occurred that you are going to describe?

A Generally during the evening that Mr. Hall disappeared.

Q Did she say what time she went to bed? A She did not.

Q When she finished had she said anything about being out of the house? A No, sir.

Q What did you say when you found she had said nothing about being out of the house?

A Then I joined in the conversation after Mr. Beekman had apparently concluded his questioning of her, Mrs. Hall. I said, "Pardon me, Mrs. Hall, I have information that either one of your servants or yourself entered the rear of your premises about two o'clock or 2:30 Friday morning." She hesitated for a moment or two, and finally said, "Well, that was me."

Q Up to that time had she made any statement at all about being

out of the house and coming in at two o'clock in the morning?

A No, sir; not to my knowledge.

Q You were the chief detective in the prosecutor's office?

A At that time; yes, sir.

Q Was there any search made of the Hall home or of the home of Mr. Carpenter immediately after the murder? A Not immediately after. Some days later.

Q How many days later? A That I don't recall. Perhaps a week or ten days later.

Q At the time that this matter was investigated it was investigated by Prosecutor Stricker of New Brunswick? A Yes, sir.

Q In the preliminary? A In a preliminary way.

Q How long a time did he have it under investigation?

A From the second day, I believe, after the bodies were found up until the time that Mr. Mott was appointed special deputy attorney.

Q Did Prosecutor Stricker and Mr. David deliver to you and Mr. Beekman all the exhibits and all the statements in the case?

A I don't recall that-- The exhibits were all in New Brunswick. I don't recall how they were brought from New Brunswick to Somerville, when they were presented to the grand jury in this investigation.

Q But who finally got possession of all these statements?

A I don't recall. I don't understand what you mean.

- Q Didn't you state in my office under oath that Prosecutor Beekman got possession of all these statements and that the exhibits were put in the safe? A Yes.
- Q And that you never had possession of the original statements?
- A Yes, sir.
- Q Do you know where these original statements of witnesses are now? A I do not.
- Q When was the last time you saw them? A I haven't saw the original statements you refer to for over a year or more, two years.
- Q Do you know whether any signed statement was taken from either of these defendants or from Mrs. Hall? A I don't think they were.

MR. SIMPSON: That is all.

CROSS-EXAMINATION BY MR. PFEIFFER:

THE COURT: Is there anyone appearing for the defendants, who wants to examine the witness?

MR. McCARTER: Mr. Pfeiffer.

MR. SIMPSON: Is Mr. Pfeiffer a member of our bar?

MR. McCARTER: No, sir.

MR. PFEIFFER: I was introduced last night to the judge, your Honor.

- Q Mr. Totten, who had arrived at the scene of the murders, if you know, before you arrived there? A There were a number of people there, and two police officers from New Brunswick were in charge, apparently, when I arrived.
- Q What were their names? A Curran was one, I believe, and I don't recall the name of the other gentleman.
- Q At the time you arrived there were the bodies and the articles that you have described in the position in which they were found by Pearl Bahmer and Raymond Schneider, so far as you know?

MR. SIMPSON: I object to that, your Honor. How can he possibly say that? ~~How can he possibly~~ He can only testify to what he found. He can't testify to what Schneider and Bahmer found.

THE COURT: He cannot unless it appears that he was present.

MR. PFEIFFER: I will change the question.

- Q Were you told by anyone when you got to the scene that the position of the bodies or the papers had been moved or changed?
- A No, sir; I wasn't told.
- Q You were the county detective of Somerset County at this time, weren't you? A Yes, sir.
- Q You were the chief investigating officer for Prosecutor Beekman, weren't you? A Yes, sir.

Q It was your duty, was it not, to make an exhaustive investigation of the facts in this case? Was it not? A Yes.

Q Whose duty was it to take into possession the various articles that were found around the bodies? A As a rule the county physician usually took charge of all personal effects, and they were afterward turned over to the Prosecutor's office.

Q Into whose possession were these articles given?

A They were at that time taken in possession by Mr. Conklin.

Q Who was the Sheriff of Somerset County? A Who was at that time Sheriff of Somerset County.

Q Did you say anything to Sheriff Conklin about the necessity of being careful with those exhibits in order to preserve finger prints, and so forth? A I told him to take care, to be careful with them.

Q Did you ask him to take such possession that finger prints would not be destroyed? A I didn't especially mention finger prints.

Q You said nothing about finger prints?

A No, sir.

Q When Sheriff Conklin left the premises where ~~where~~ you were and came back to New Brunswick or Somerville ~~where~~ you in the car with him? A I believe so, yes.

Q Were there not two or three reporters in that car?

A No, sir.

Q You are positive they were not? A Quite positive.

Q Weren't those exhibits, the letters and so forth, handed back and forth to three or four people on the drive from the scene of the murders to wherever you went?

A Not to my knowledge; no, sir.

Q You didn't see them at all? A No, sir.

Q On that drive? A I don't recall that I did.

Q Do you know where Sheriff Conklin kept them on that drive?

A No, sir.

Q Do you know whether he placed them in any particular receptacle so that they could be ^{carefully} preserved? A I am not positive whether Sheriff Conklin brought them away from there or whether they were turned over to Mr. ^{Long}.

Q You said you are not positive of that.

A He picked them up from the bodies. I am not positive whether he turned them over to Mr. ^{Long} or not.

Q Did you give any directions that the bodies and the exhibits should be ^{left} untouched until photographs were taken? A No, sir.

Q In your experience as a county detective didn't it appear to you that that was a very desirable thing to have done?

A Best on some occasions, and may have been on this, but we were there on the county line Saturday noon time I believe, the bodies in that location. The bodies were in a very bad

state of decomposition to my thought, particularly the lady, and we thought it advisable to take the bodies from the scene as quickly as possible.

Q Well, now, Mr. Totten, when you arrived on the scene did you take charge of the proceedings? A Not entirely; no, sir.

Q Who did take charge? A We were all assisting in doing--

Q You were all in charge and nobody was in charge.

A I don't say that particularly, no.

Q Was anyone actually in charge? A I were in charge as well as the county physician, because that was his function at that time.

Q What was it you said the county physician said to you about this being an important case, if you will just repeat the conversation you had with him? A My recollection is that when I kneeled down partially and discovered, as I thought, this lady's throat was cut I made the remark, "This woman's throat is cut," and my recollection is that Mr. Long says, "Don't talk too loud. This is a very important case," or some words to that effect.

Q Did he say, "Don't talk too loud," because there was a large crowd around? A I don't recall that he said that.

Q Are you able to say whether there was a large crowd around?

A Quite a number of people; yes, sir.

Q Was any effort made by you as county detective to keep people away from the scene of the murder?

A It wasn't necessary.

- Q Will you answer my question as to whether any effort was made?
You can go on afterward as to the necessity, Mr. Totten.
- A There was no effort to keep the crowd back at that time.
- Q Did you observe how many bullet wounds there were in the
body or head of Mrs. Mills? A I didn't examine for it;
no, sir.
- Q Did you observe how many there were in the body of Dr. Hall?
- A Not at that time; no, sir.
- Q You say you didn't notice that there was a calling card of
Dr. Hall's propped up against the sole of his foot?
- A I didn't notice that; no, sir.
- Q Have you subsequently talked with anybody and ascertained
that that is the fact? A I have tried to refresh my
memory on that--
- Q No, no. Have you talked with anybody else?
- A I am trying to answer.
- Q I beg your pardon. A I have talked with various people
and I can't recall that such was the fact.
- Q Now, did you discover any shells upon the ground around the
bodies the first time you were there? A There were
shells picked from the ground.
- Q By whom? A By I believe Mr. Conklin picked ~~one~~ the
shell up and some young man picked the shell up.
- Q Was he a reporter? A I don't think he was; no, sir.

- Q When did he turn that shell over to you, that the young man picked up? A Several days later.
- Q Several days later, wasn't it? A Yes, sir.
- Q Was the shell that the young man turned over to you of the same ~~calibre~~ kind as the shell picked up by Sheriff Conklin?
- A Thirty-two calibre.
- Q They were both thirty-two calibre? A I believe they were.
- Q You were later informed to that effect? A I saw them.
- Q You were able to tell yourself whether they were thirty-two calibre? A I believe; yes, sir. I remember they were thirty-two calibre.
- Q Did you take possession of those two shells? A They were turned in--
- Q Of the one shell at the time at the scene?
- A I believe it was given, handed to me. I turned them in with the rest of the exhibits.
- Q You say you believe. Aren't you sure, Mr. Totten?
- A A young man handed them to me; yes; that is correct.
- Q Did you understand that the two shells that were picked up were lying side by side, or were they separated?
- A Oh, they were separated.
- Q Any idea how many feet? A No, sir.
- Q Did you observe the condition of the ground under the head of Mrs. Mills? A Yes, sir.

- Q With respect to the quantity of blood that might have gone into the soil, did you make any observation?
- A From observation I concluded that there had been some quantity of blood that had oozed from the wound of the neck and gone down into the soil.
- Q Was it your conclusion, speaking now as of this time when you were first at the scene, that the murders had been committed there? A Well, that is hard to answer. I wasn't positive about that, until after the earth under the head of Mrs. Mills had been analyzed, and then I became firm in my opinion that her throat had been cut there at least.
- Q When did you first report to Prosecutor Beekman that these two bodies had been found? A I was unable to get in touch with Prosecutor Beekman for several hours after the bodies had been found.
- Q In Mr. Simpson's examination of you on direct he didn't ask you who the bodies were. Will you be good enough to tell what bodies were found? A The bodies of Reverend Mr. Hall--
- Q The full names, please. A Edward W. Hall, if I remember his first name correctly, and Mrs. Eleanor Mills.
- Q Eleanor R. Mills? A It may be; I don't recall.
- Q To go back to the question,--when did you first get in touch with Mr. Beekman? A About eleven o'clock on Saturday evening.

- Q On Saturday evening? A Yes, sir.
- Q What ~~time~~ was it you got to the scene where the bodies lay?
- A I believe it was about 11:30 Saturday morning.
- Q It was about twelve hours later that you got in touch with the Prosecutor? A Yes, sir; Mr. Beekman was out of town.
- Q From the place where the bodies were where did you go? To New Brunswick or to Somerville? A We came back to Somerville but returned--the Sheriff and I immediately returned to New Brunswick to the scene of the crime.
- Q The scene of the crime? A Yes, sir.
- Q Was the scene of the crime overrun with people when you got back? A No, sir.
- Q Were there any precautions taken by the police or anybody to keep the curious from the scene? A The ground was searched-- Well, no, sir. I can't answer your question; no, sir.
- Q Mr. Totten, subsequently did anyone to your knowledge discover an additional shell or shells of thirty-two calibre near the scene? A Not that I recall.
- Q So that so far as you know the State never was in possession of more than two shells of that calibre found near the scene? A That may have been. I won't be positive about that. My mind is not clear about that.
- Q You don't recall whether the State was in possession four

years ago during the time of the grand jury investigation-- whether you had more than two of the four shells, or three or four of them, do you? A I can't recall that at this time; no, sir.

Q Mr. Totten, were you in charge of this investigation after it got going--of course, under Mr. Beekman? A Under Mr. Beekman and under Mr. Stricker's office.

Q And yet you don't recall the rather important fact as to whether you had two or three or four shells? A I don't recall the number there were; no, sir.

Q How long have you been a county detective, Mr. Totten?

A Prior to that time?

Q Yes. A About twenty-eight years.

Q Twenty-eight years? A Yes.

Q Have you any idea how many homicide cases you have investigated for the State in that period? A A great many. I don't know the exact number.

Q But a great many? A Yes, sir.

Q And did you adopt the usual course of procedure in this case that you did, so far as you recall, in other cases?

A Generally; yes, sir.

Q So that you didn't consider it of particular important whether you obtained the shells or not? A It was of importance, yes, but, now, the shells may be there. I am a little

bit hazy about that.

Q You don't recall? A I don't recall positively about that. There may be more than these shells that I have described.

Q Did you make a thorough search of the ground around the bodies to try to find the shells when you were there first?

A Yes, sir; and afterwards. Yes, sir.

Q But one of the reporters--at least a young man got one before you did? A Yes.

Q And wasn't he present in the Prosecutor's office some days later and was twirling a shell which he had on the end of his lead pencil, and the Prosecutor asked what was that? He said, "One of the shells." And he said, "I want that," and he gave it to him? Do you recall that incident? It is very clear in my mind. A I don't recall.

Q You don't recall that? A No, sir.

Q Well, now, when you went to New Brunswick after you delivered the Sheriff to Somerville what happened? A Stopped at the scene of the crime and made a thorough search all through the vicinity of where the bodies were found.

Q At what time was that? A At, I presume it was about 1:30, two o'clock. Somewhere in that neighborhood.

Q So you made a thorough search at 1:30? A Yes, sir.

Q Do you mean by that that you previously had not made a

thorough search? A I considered that the first search was quite positive, but I wasn't satisfied. I went back to the scene again.

Q What was it you particularly wanted to get when you went back?

A To see if there was a revolver thrown in the bushes.

Q There was a well nearby? A Yes, sir; but I didn't know at that time. Later on.

Q How long was it before that well was searched after the 16th of September, when the bodies were discovered?

A It may have been about a week. I am not positive.

Q What is that? A It may have been about a week later.

Q About a week? A Yes.

Q And before the State made the search of that well it had been rather thoroughly done by reporters, hadn't it?

A Not to my knowledge.

Q Not to your knowledge. Don't you recall reading of it in the newspapers? A No, sir.

Q Do you remember whether it was a reporter who called your attention to the fact that there was a well there?

A I don't recall that fact.

Q Who was your associate as county detective?

A Investigation?

Q That is it, investigation. A Mr. David.

Q And he was and is the county detective of Middlesex County,

is that correct? A Yes, sir.

Q Did he take precedence over you or you over him, or were you equals? A We were equally interested and worked together equally.

Q Was that on the theory that the murders might have been committed in Somerset County? A No, sir. Mr. Stricker offered the use of his officers, offered the use of his corps of detectives to assist Somerset County. It was accepted and we worked together.

Q How long? A From the time of the commission of the crime until Mr. Mott assumed authority.

Q And after Mr. Mott assumed authority Mr. Beekman and Mr. Mott were in charge of the case and Mr. Stricker had got out of it, hadn't he? A Yes, Mr. Stricker retired.

Q And also Mr. David had retired, had he not?

A Well, in a way, but he was always anxious to see the case.

Q To see the case what? A He was always anxious to see the mystery solved, and he would assist in any way he could or thought he was assisting.

Q And after you were at the scene of the crime, or where the bodies were found, and had made a thorough search this second time, where did you go? A I went to Mr. Mills' house.

Q Mr. Mills' house? A Yes, sir.

Q Who was with you when you went back to the scene of the crime

at half-past one? A Mr. Novato.

Q And he was your assistant? A He was an assistant, yes, sir.

Q Is he still employed by the county? A No, sir.

Q Where is he? A He lives here in Raritan.

Q Did he go with you to Mr. Mills' house? A He was in the car. He didn't go in the house.

Q So that you went in alone? A Yes, sir.

Q And you found Mr. Mills there? A I found Mr. Mills there and his daughter.

Q You are referring now to Mr. James Mills? A Yes, sir.

Q And to his daughter Charlotte Mills? A Yes, sir.

Q What time did you get there? A It may have been around four in the afternoon, or later.

Q Did you take a statement from Mr. Mills at that time?

A I couldn't. They were away--

Q MR. SIMPSON: Speak up. I can't hear you.

A We didn't take a statement from Mr. Mills nor Mrs. Hall.

Q You saw "we." Didn't you just say you went there alone?

A Well, I, then.

Q What did you do there? A We just had a conversation with him from the time of the disappearance of her mother, and it was only in a preliminary way because they were very much affected through grief, the loss of the mother, and I didn't have the heart to talk to the young lady at that time.

- Q How about the father? Did you talk to the father, James Mills?
- A The father, he was very much affected over the sad news of the death of his wife, and just in a preliminary way, preliminary talk; that is all.
- Q You had no stenographic report of that conversation taken down?
- A No, sir.
- Q Did you make any search of the Mills house at that time?
- A No, sir.
- Q How long were you there?
- A Possibly fifteen minutes altogether.
- Q Was it your general practice in the investigation of homicide cases to take statements from persons and not have them taken down stenographically?
- A In many instances; yes, sir.
- Q You realized that this was an important case, didn't you?
- A Oh, yes.
- Q Still you didn't have a stenographer taking down?
- A We had no stenographer with us that day.
- Q You didn't make a search of the Mills house?
- A No, sir.
- Q When you had your conversation with Mrs. Hall you didn't have a stenographer either?
- A No, sir; Mr. Beekman and I were there together.

MR. SIMPSON: Will you please keep your voice up.

- A (Continuing) There was no stenographic statement taken from

~~Mrs. Hall at that time.~~

Q Did you make a search of the Hall house? A No, sir; not at that time.

Q From the Mills house where did you go? A Went back to the scene of the crime again, I believe. I am not positive, but I think we did.

Q And you got there about what time? A Around six o'clock.

Q Why did you go back again? A I wasn't satisfied. I wanted to see if there was anything that could be discovered.

Q Was there anything that had been told you in the meantime that led you to think that it would be wise to go back again?

A No, sir.

Q You just thought you would make another thorough search?

A Yes.

Q You did make another thorough search? A I didn't make a thorough search because it became dusk at that time. It may have been a little later. I am not positive about that. I don't recall the exact time.

Q Did you find anything that you had not had previously?

A No, sir.

Q Had the crime been reported to Mr. Stricker of the Middlesex County Prosecutor's office by this time? A Not to my knowledge.

Q So that you were the only person working on the case?

A Yes, sir; until the following Monday.

Q And you didn't think it of vital importance to keep persons away from the place where the bodies were found, nor to take and preserve all of the various papers, eye-glasses, and so forth, so that they could have been examined for finger prints? You didn't think it important to take photographs? What did you think was important to be done at this time, Mr. Totten?

A Everything was important to have been done at that time. We didn't take photographs on account of the state of the bodies. They were very much decomposed.

Q Well, could that have affected the film?

A It was thought advisable to take them away from the scene as quickly as possible, which was done. The ground was very hard; there wasn't tracks of an automobile. Scarcely even tracks of persons walking on the ground. At that time I thought everything was done that was possible to have been done at that time.

Q Of course you realized, didn't you, that if the letters were found, and the eye-glasses, and so forth, and handled by persons, it would be very difficult to prove anything with respect to finger prints therefore, didn't you?

A They were carefully preserved and were examined immediately after, several days later.

- Q Several days later? A Yes, sir.
- Q Do you know whether or not they had gone through various hands in the course of these several days? A They were put into a box, if I remember correctly, and taken to New Brunswick, where they were examined by an expert.
- Q What kind of expert? A An expert in the Prosecutor's office.
- Q A finger print expert? A Yes, sir.
- Q Do you know of your own knowledge whether they were handled by various persons or by anybody other than Sheriff Conklin during that interval? A They weren't to my knowledge.
- Q Did you ever see them from the time that they were turned over to Sheriff Conklin until this man in the Middlesex County office, this expert, examined them? A I am not sure but what I took them to New Brunswick myself afterward.
- Q You mean after the Sheriff had brought them away? A Yes, either the Sheriff or the county physician turned them over; I am not sure which.
- Q Well, you did have a finger print expert from Newark a good many weeks later examine these, didn't you? A Yes, sir.
- Q What was the net result of his examination? A There was no evidences of finger prints either on the glasses or on the cards or on the shirt or anything that fingers could be taken from.

Q And did the ~~Middlesex County~~ expert report the same? /

A Yes, sir.

Q Did you yourself have these letters or the glasses in your own hands out at the scene of the murder, or the scene of the bodies? A No, sir.

Q Did you see them in Sheriff Conklin's hands? A I won't actually say that I saw them in his hands, but Mr. Conklin picked them from the ground. I saw him start to pick them up.

Q Will you tell me how he picked them up? Like that, by the edges, or did he put his hands over the sides?

A I can't tell how he took them up.

Q Mr. Totten, as a county detective of twenty-eight years' standing, you understood the importance of telling Sheriff Conklin or Dr. Lange, didn't you, that if he put his fingers on them that way he probably would entirely destroy any finger prints, whereas if he happened to take them by the edges he probably would not? Didn't you understand that that would be wise counsel to give the Sheriff?

A Certainly, but wasn't necessary when I told him to be careful about them. Now, they were all examined afterward, Mr. Pfeiffer, and none of the finger prints were visible.

Q Mr. Totten, when Mr. Conklin picked them up did you specifically caution him with respect to finger prints? A No, sir.

- Q You did not? A No, sir.
- Q You discovered nothing of importance ~~xxxx~~ on your third visit to the scene, did you? A No, sir.
- Q From there where did you go? A Went back--came back to Somerville.
- Q Up to this time you hadn't seen Mrs. Hall? A No, sir.
- Q You hadn't seen Mr. William Stevens? A No, sir.
- Q You hadn't seen Mr. Harry Carpender? A Not to my knowledge; no, sir.
- Q You came back to Somerville and did what? A Endeavored to get in touch with Mr. Beekman.
- Q Had you previously tried to get in touch with him?
- A Yes, sir.
- Q Did you wait here until Mr. Beekman came? A I waited until I could get in touch with Mr. Beekman, and telephoned various places for him.
- Q And he came back about eleven o'clock? A I believe it was; yes, sir.
- Q So that you stayed here for five hours? A Yes, sir.
- Q Did you do any work on the case? A Not specially; no, sir. Not during that interval.
- Q Did you communicate with any other official and ask him to do any work on the case? A I don't recall whether I communicated with New Brunswick or not.

- Q You are not sure? A Not sure.
- Q Mr. Totten, in your long experience of twenty-eight years as a county detective hadn't it been your knowledge and experience that the fresh trail in crime is always the best one?
- A Always.
- Q But you didn't do anything for those five hours? A No, sir.
- Q What? A No, sir.
- Q Then you went to Mrs. Hall's house when? A Sunday morning, the following morning.
- Q You went with Mr. Beekman? A Yes, sir.
- Q Did Mr. Beekman conduct the examination of Mrs. Hall?
- A Yes, sir.
- Q Was there a stenographer present? A No, sir.
- Q So that no statement of Mrs. Hall was taken down?
- A No, sir.
- Q And you are now giving your best recollection of what she said, aren't you? A Yes, sir.
- Q Four years afterward, isn't it? A Yes.
- Q How far in point of time did Mr. Beekman take Mrs. Hall in that examination? A I don't remember exactly.
- Q When he got through with the examination did you ask her any questions? A Yes, sir.
- Q What were they? A I told her that I had information that either a servant or herself had entered the rear of her pre-

mises accompanied with a gentleman around two or 2:30 o'clock on the morning following the disappearance of Mr. Hall.

Q From whom did you get that information? A When we drove up in front of the Hall homestead Sunday morning a gentleman who I took to be a reporter came out and gave me that information.

Q Did he tell you where he got it? A Yes, sir.

Q Whom was it from? A From Mr. Phillips, a night watchman at the Women's College.

Q His name is William Phillips, is that right? A I believe it is.

Q He is the man you people had under arrest as a material witness? A Yes, sir.

Q You say that the reporter told you that William Phillips said that, and that he subsequently confirmed it?

A Yes, sir.

Q That he saw a woman and a man coming into the back door of the Hall house? A Yes, sir.

Q You subsequently took a stenographic statement from Phillips, didn't you? A I did not.

Q Someone in the-- A Someone--

Q One of the many prosecutors in this case did, didn't they?

A Yes.

Q Have you ever seen that statement? A No, sir.

Q Do you recall that it was reported in the newspapers at least that Mr. Phillips said that he saw a woman and he didn't see a man enter the house? Do you recall that?

A No, sir.

Q So that you yourself talked with Phillips, did you?

A No, sir.

Q Who did? I thought you said you subsequently did.

A Some others of the investigators talked with Mr. Phillips. I don't recall that I talked with him personally at all.

Q But you saw his statement which was taken down stenographically? A No, sir.

Q I thought you said that you did? A No. I said he gave a statement later.

Q All right, now. What did Mrs. Hall say in reference to your question? A She said that it was she that was out that evening with her brother Willie.

Q When you answered Mr. Simpson's question you said Mrs. Hall hesitated and then she said it? A Yes, she did.

Q Did you make any notes at the time of the conversation that you had with Mrs. Hall then? A No, sir.

Q You are now depending upon your recollection, aren't you?

A Yes, sir.

Q The inference, of course, Mr. Totten, is that Mrs. Hall hesitated because she had something to conceal. That is what

you mean to convey, isn't it? A No, I don't mean to convey that at all.

MR. SIMPSON: I object to that. What difference does it make what he means to convey? It is for your Honor to draw the inferences. He simply describes an occurrence.

THE COURT: I don't care what his conclusions might be.

Q Did Mrs. Hall go on and tell you precisely what she had done when she went out that night? A She told it to Mr. Beekman in my presence; yes, sir.

Q Mr. Totten, when did you leave the employ of this county?
A April of this year.

Q April, 1926? A Yes, sir.

Q Was that at the same time that Francis Bergen became Prosecutor? A Yes, sir.

Q Did you leave voluntarily? A I did not; no, sir.

Q Did Mr. Bergen ask your resignation?

A Mr. Bergen said he would get along without my services, and that is all there was to it.

Q That was in April, 1926? A Yes, sir.

Q What is your employment at this time? A I am a constable here of the county.

Q Have you any other employment? A No, sir.

- Q What did you do immediately after you left the Prosecutor's office in April in the way of employment? A I was employed by a newspaper to assist in unraveling this mystery.
- Q Will you be good enough to name it? A The New York Mirror.
- Q Is that newspaper published in the City of New York and widely distributed in the State of New Jersey in the northern part?
- A I think so, yes.
- Q Will you tell me how you happened to go into the employment of the Mirror, just relative to the circumstances; will you?
- A My services were solicited by them.
- Q By Mr. Phillip Payne? A Yes, sir.
- Q In person? A In person.
- Q Did he tell you he had been carrying on an investigation of this case for many months? A No, sir.
- Q Did he say who was in charge of that investigation for them?
- A No, sir; not at that time.
- Q Subsequently did he? A He did.
- Q Who was it? A Mr. Mayer.
- Q Herbert Mayer? A Yes, sir.
- Q Do you know anything about Mr. Herbert Mayer's record?
- A No, sir.
- Q Mr. Payne is the chief executive officer of the New York Daily Mirror, isn't he? A I believe so.
- Q What was the salary that you received?

MR. SIMPSON: I object. What difference does it make?

Q What did you receive?

MR. SIMPSON: I have simply asked him about the identification of the bodies and so forth, and I haven't gone much into that. I haven't objected to this line of interrogation because I think it will help us, but when he goes to talk about the Daily Mirror--of what possible assistance is that to your Honor?

THE COURT: It can't mean anything. I have allowed a great latitude because I heard no objection.

MR. SIMPSON: I didn't object because I thought the more questions he asked the more he would help me.

THE COURT: I take it an investigation of this kind is not of the same technicality as a trial before a jury.

MR. PFEIFFER: That was the reason we did not object to Mr. Simpson's questions.

MR. SIMPSON: I mean if it would help at all I would not object because all we are trying to

do is get this-- If your Honor thinks that his being hired by the Mirror would help I would not object to it.

THE COURT: That has already been asked and answered, however, and the question as to how much he received for his services Mr. Totten stated he didn't care to answer. The Court thinks he is within his rights when he makes that statement.

Q Are you still employed by the Daily Mirror? A No, sir.

Q When did your service with the Daily Mirror terminate?

A I will change that answer. If the Mirror or any other person wanted my assistance to assist in unraveling this mystery I would give it to them gratis.

Q Gratis? A Yes, sir.

Q In the Mirror's case you didn't give it gratis?

A Not altogether. I gave considerable work to the Mirror gratis, and I will give it to anyone to assist in unraveling this mystery, immaterial to me who it is, so long as they are sincere.

Q Mr. Totten, in the course of your employment by the Mirror did you deliver stenographic copies of the statements to Mr. Phillip Payne, which had been taken in this case?

A I did not.

Q Did you make it possible for him to obtain such statements?

MR. SIMPSON: I object to that.

MR. PFEIFFER: I think it is important.

MR. SIMPSON: We are wasting time.

I haven't asked him anything about the identity of these two defendants. He simply goes there and finds dead bodies. He describes conditions and he describes one conversation with Mrs. Hall. Of what value is it that he made it possible for the Mirror to obtain statements?

MR. PFEIFFER: Your Honor, if Mr. Totten declines to answer I won't press the question.

THE COURT: The question is before me now upon the objection as to the relevancy of this testimony. I do not see what relevancy it has in this particular case inasmuch as Mr. Totten on his direct examination has not been asked anything as to any other feature of the case except as to the bodies. I don't think it is cross-examination.

Q Mr. Totten, to your knowledge are there any exhibits which were in the possession of the State four years ago in this case which are not now in the possession of the State?

A I think the State has all the exhibits so far as I know.

- Q You do? A Yes, sir.
- Q You think they have had them ever since Mr. Simpson began his investigation? A So far as I know they have, yes. I don't know of anything missing.
- Q If any exhibits are missing or stenographic statements are gone, the fact that they are gone is something that you have had nothing to do with? A Absolutely.
- Q Mr. Totten, how long was it after you arrived at the scene before the bodies were removed? A I can't--
- Q Approximately, I mean. A I can't give the exact time, but perhaps fully an hour elapsed.
- Q And in that time there was ample opportunity, was there not, to have photographs taken? A I presume there were; yes, sir.

MR. PFEIFFER: That is all.

REDIRECT EXAMINATION BY MR. SIMPSON:

- Q Counsel calls your attention to the fact that I didn't ask you to identify the bodies. Had you known these people in their lifetime? A No, sir.
- Q Then how could you identify the bodies? A Could not.
- Q You didn't identify them except from what somebody told you?
- A Only from information; that is all.
- Q You say this was handled like any ordinary murder case.

These bodies were buried without an autopsy, weren't they?

A I understand so.

Q Can you name any other murder case in the twenty years you have been in the Prosecutor's office where the bodies were buried without autopsy? A A great many of them.

Q Can you name one of them? A I can't recall any.

Q About these glasses--when you got there they were on this man's face, weren't they? A Yes, sir.

Q And they were removed by somebody? A Yes, sir.

Q And there was blood on them? A Blood spots.

Q Didn't you tell Captain Lamb that you saw somebody take these glasses and rub their fingers over the glasses and say, "These aren't finger prints. They are blood ~~skin~~ spots"?

A There was some conversation to that respect.

Q Did you tell Captain Lamb that? Didn't you say that in my office, that you saw somebody rubbing their fingers on the glasses and saying, "These aren't finger prints. They are blood spots"? Didn't you say that in my office in the presence of four or five people?

A I don't recall just exactly.

Q You don't remember what you said in my office?

A I remember part of the conversation.

Q Do you remember whether you said that or not?

A That conversation came up.

Q What did you say about that? Didn't you say somebody was rubbing their fingers over the glasses and saying, "These aren't finger prints. These are blood marks"? A There was remarks made--

Q Don't duck the question. A I am not ducking the question.

Q Why don't you answer? Did you say that in my office?

A I don't recall that I did.

Q Wasn't it an important thing? Don't you remember what you said about the glasses which were on the murdered man's face, which you had, as chief detective, in your possession at the time? You don't remember what you said about those glasses? A I said the glasses were handled , by whom

I don't know. They were rubbed over, but I don't know by who.

Q Who rubbed them over? A I don't know.

Q If you know they were rubbed over how is it you don't who rubbed them over?

A They were in a number of places and hands, that examination.

Q Who did the rubbing? A I won't be positive about that.

Q You used the word "rub." Why did you use the word "rub"?

A Because you rubbted them, you mentioned.

Q I rubbed them? Was I there?

A You mentioned the word "rub."

Q When I mentioned the word "rub" to you, what do you mean by

"rub"? A Push their hands over the glasses.

Q Who was doing that? A I didn't see anybody actually rub the glasses. They were examined by different people. There was other experts in this game besides Mr. Schwartz.

Q That ~~wasn't~~ doesn't answer my question. Did you or did you not say to Captain Lamb, and did you afterward say to me, that you saw somebody rubbing the glasses with the thumb and forefinger and saying, "These aren't finger ~~mark~~ marks.

They are blood stains"? A That was mentioned by Captain Lamb in your office.

Q Did you say it before he came into my office?

A I don't think I did.

Q Your memory is pretty poor?

A It is now; I will admit that. It is four years.

Q Did you tell counsel as far as you know I have all the statements that were in the possession of your office at the time of the investigation? What statements were in the possession of your office?

A I don't know of any.

Q You don't know of any? A Except what appeared.

A And when the statements were in your possession you were the chief detective, weren't you? A I were; yes, sir.

Q You were in charge of the matter in your county, weren't you? Is that right? A Under instructions of the Prosecutor's office.

Q Were you the chief detective? A Yes.

Q And Mr. Beekman was not here for a couple of days after you found these bodies? A He was here the next day.

Q He wasn't here for a whole day? A He was not here during the Saturday.

Q When you told the counsel on the other side that I have all the statements that were in the possession of your office just name those statements? A I didn't say that as far as I recall.

Q Yes, you did. You told them that you know that I had all the statements that were in your office? A I will recall that.

Q Why did you say so if you want to recall it?

A I didn't say that. I didn't make that statement that I know of.

Q You made an affidavit in my office, didn't you? A Yes.

Q Didn't you swear in my office that you did know that these throats were cut, the one throat was cut before the body was buried? You swore to that? A I say that now.

Q Didn't I call your attention to the fact that David swore when the bodies were ~~here~~ buried he came to you and asked you if there had been an autopsy and you said no, and he said, "My God," but at that time you said you didn't know the throats were cut? I call your attention to that?

A Yes.

Q And didn't you say in reply to me in your answer, "I kneeled down and I said, 'That woman's throat is cut,' and the doctor said, 'Don't say too much and don't know too much.'" Didn't you say that?

A I didn't swear to that.

Q If you are confronted with the affidavit will you

A Yes, there is no affidavit made in that respect.

Q Didn't you make an affidavit there? A I did.

Q You seem to have a pretty good memory as to what is in that affidavit. You said a minute ago your memory is very poor.

A An affidavit in regard to the conversation with Mrs. Hall. There was nothing said about the throat cut in an affidavit. I am quite sure about that.

Q You talked about the throat cut in the presence of four men?

A I mentioned it at that time.

Q In the presence of Captain Burke, Captain New, Major Kimberling

A Yes, sir.

Q Do you say under oath that you didn't say, reciting what happened, kneeled down, and as you said, "My God, her throat is cut," and the doctor said, "Don't see too much. You don't know too much"? That wasn't said by you?

A That was said by me, certainly.

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J A N E G I B S O N, a witness produced on behalf of
the State, being duly sworn according to
law on her oath, saith:

DIRECT EXAMINATION BY MR. SIMPSON:

- Q Where do you live? A Hamilton Road, New Brunswick.
- Q You live on Hamilton Road, you say? A Yes, sir.
- Q Where is that Hamilton Road? A About three miles from
New Brunswick.
- Q Is it known as any particular place? Is it near the
Phillips farm? A No, it is known as the Gibson farm.
- Q Gibson farm? A Yes.
- Q How near is it to the Phillips farm? A Two miles and
a half.
- Q Do you remember shortly before the discovery of these bodies
in this lane on the 14th of September--do you remember that
night, that Thursday night? A Yes, sir.
- Q You will have to say yes or no. A Yes, sir; I do remember.
- Q How do you remember that Thursday night? Is there anything
that fixes it in your memory at all? A My mother moved
from Bayonne to New Brunswick.
- Q On that night? A On that same night.
- Q You were running a little farm there, weren't you?
- A Sixty-one acres.

- Q Sixty-one acres? A Yes, sir.
- Q What did you raise on the farm? A Oats, corn, rye, wheat, hogs, and chickens.
- Q On this 14th of September did you have any trouble with thieves? A Yes, sir; several times.
- Q What trouble had you had with thieves? A On Sunday night I had been robbed of corn. They tore corn right from the stalks, about twenty rows of it, and I had decided then I would watch to see if I could find out who was doing this. So I tied my dog to a tree about halfway between the Hamilton Road and my house. So this night, this September 14th, the dogs barked and I went out.
- Q Have you any way of fixing the time that you went out?
- A No, I don't just remember what time it was.
- Q You went out, then, this night, having heard the dog bark?
- A Yes.
- Q Then what did you do? A I stood there a few minutes and listened. I walked up to where the dog was, and then I listened and I didn't hear anything. Then he stopped barking and I walked back and sat down in the swing, and then the bus went by.
- Q The bus going where? A To New Brunswick.
- Q From where? A From Millstone.
- Q Yes. A And then I heard a wagon coming along the road

from the direction of Millstone, and it was a very noisy wagon, rickety and the wheels rattled, and I just couldn't help but hear it, and it stopped. It went on until it stopped right in front of my corn field, about in the middle of it, and then I decided that that might be the man or whoever it was that robbed me before, and I ran to the barn saddled my mule and got on her and rode out to Hamilton Avenue.

Q Was that mule shod? A No, sir; she wasn't shod.

Q Then you rode on this unshod mule in which direction?

A Towards New Brunswick.

Q Go on, now, in your own way. *and describe what you saw* A When I got near to where the wagon was, oh, about thirty or forty, maybe fifty feet, the wagon started up and I kept on behind, followed it, and then the wagon had turned into Derussey's Lane.

Q How far did you follow it before it turned into Derussey's Lane? About how far would you have to go? A Oh, about I guess a half a mile.

Q You were after it? A Yes, sir.

Q Following it. And when it got to Derussey's Lane it had then passed over about a half mile from where you started?

A Yes, sir.

Q Go ahead. *Describe what happened* A Then it turned around into Derussey's Lane and when I got into Derussey's Lane my mule brayed and then I was a little worried because I didn't *know* see who was in that

wagon, and I stayed well behind, and they kept on going until we got near Easton Avenue--it might have been fifty feet.

Q Easton Avenue? A Yes.

Q That is, you proceeded on Derussey's Lane? A On Derussey's Lane.

Q Had you still the wagon in your hearing or had it got away by that time? A I still heard the rattle.

Q Ahead of you? A Yes, sir.

Q And you were going towards Easton Avenue? A Yes, sir.

Q Now, go on. A This automobile--after the wagon turned out an automobile came in the lane.

Q Wait a minute. You say the wagon turned out. Where did it turn into? A I couldn't just tell which way.

Q From hearing it? A From the sound of it it sounded like it was going to New Brunswick.

Q Turning in Easton Avenue? A Yes.

Q Would that have brought it to New Brunswick? A Yes, sir.

Q Then when you heard the sound of the turn, had you seen the automobile before you heard the sound, or after? A I didn't hear much of ~~that~~ it. As it turned the corner that was all I heard, and then the noise of the automobile.

Q In which direction was the automobile coming?

A That came from New Brunswick.

- Q From New Brunswick? A Yes, sir; by the lights.
- Q What did you see in the road, if anything, when the automobile stopped? A The automobile came in and I thought it was coming on through, so I went to the side of the road and waited there. I thought it was coming right through the lane, and then while I stood there and the lights came in, they started to back out, and there was a man and a woman stood to the right.
- Q Of the automobile? A No, right to the right of where I was, but a little farther down.
- Q How far from the automobile? Is that after they had gotten out of the automobile? A No, sir; it may have been thirty or forty feet.
- Q A man and a woman stood there? A Yes, sir.
- Q Did you pay any particular attention to them, or just generally look at them? A I looked at them because the light of the automobile kind of seemed to be so powerful, and they were facing the road the same as I was. They were waiting for the car to come through the lane, what I thought the way they stood, side by side.
- Q Go on. Then what did you do? A Then when the automobile backed out and went away I went on to Easton Avenue.
- Q Yes. A And then I stood there a few minutes.
- Q What were you doing at Easton Avenue? Waiting for this man

or what? A I just stood and listened; maybe I could hear the rattle of the wagon, I didn't know. (I just stood there.)

Q Were you on the mule then? A Yes, sir.

Q Then what did you do? A Then I looked around, saw like a Ford sedan standing over across the road.

Q A small sedan car? A Yes, sir; on the corner.

Q Where was that standing? A That was standing on the corner of Easton Avenue facing Bound Brook.

Q Could you tell what color it was? A No, sir.

Q You couldn't tell whether it was a Ford or Dodge? A Well, it was a small sedan.

Q Having seen that, what did you do next? A I turned around and came back.

Q To go where? A In the lane again.

Q In Derussey's Lane? A Yes, sir; and I intended to go home, but then as I came up through the lane I kind of got it through my head this man ~~whentoxime~~ lived in the colony in the back. There was an Italian settlement in back, and I thought if he could come through Derussey's Lane back in there again, and I thought perhaps he would come back in the lane again. I decided then I would wait and watch, but on account of Jenny braying before I thought I would tie her hack where if she did make any noise, nobody could hear her.

So I have back a little way then to the same cedars -

- Q In what direction did you go on your mule? A Back to Phillips farm, parallel with the Phillips lane.
- Q Phillips lane? A Yes, sir.
- Q That is, you went on the Phillips farm parallel with the lane?
- A Yes, sir.
- Q And you tied the mule? A Way back; yes, sir.
- Q What did you tie the mule to? A Some small cedars there.
- Q Then what direction did you go in? A Then I walked back on foot.
- Q Before you heard or saw anything, after you tied the mule and started to walk back, where were you going to?
- A I was going to go to Derussey's lane and stand there and watch for the wagon to get back.
- Q How far did you get before your attention was attracted?
- A I might have got--I don't know--thirty, something like that, feet away from where I tied the mule.
- Q Can you point out any object that you got near, any tree?
- A Yes, there was brush all along, and then I got near a big cedar there. There is a big cedar there.
- Q A cedar tree or cedar stump? A Big cedar tree.
- Q When you got near the cedar tree, then what happened?
- A I heard a quarrel.
- Q You heard voices? A Voices.
- Q Could you distinguish whether they were men's voices or

- women's voices? A There was a mumbling. I couldn't just tell. It was like a muffled mumbling, and there was women.
- Q Were the voices low or loud, or pleasant or unpleasant?
- A Occasionally they were loud.
- Q As if they were angry? A Yes, sir.
- Q Did you hear any particular expression, like chair or house or letter or anything like that? A I heard somebody, yes, very much excited--something about letters.
- Q What could you hear said about letters? Was it, "Explain these letters"? A Something like that.
- Q Was it a man's voice or a woman's voice?
- A No, that was a woman's voice, very much excited.
- Q How near were you to the group then at the time you heard the saying, "Explain these letters"? How near were you to the voices? A That I don't just know. Might have been ten or fifteen feet.
- Q At that time had you seen anybody? A I couldn't see anything.
- Q Did you keep going on? A No, sir; I stood still.
- Q What did you see after you stood still? A There was more mumbling and the voices seemed to come nearer and much closer, and then I saw a flash light.
- Q When you saw a flashlight, do you mean an electric light?
- A Why, like someone had a flash.

- Q Like a pocket lamp, you mean? A Yes, sir.
- Q Like a pocket flashlight? You saw that flashing around?
- A Yes, sir; I did.
- Q What was the next thing you saw? A Then I saw something glitter and I saw a man's face.
- Q Whose face did you see? Can you pick him out in the court room? A This here man (indicating).
- Q Go down and put your hand on him. A This gentleman here. (indicating).
- Q This man here, pointing out Henry Carpender. All right. Go back. Is he the man that held something glittering in his hand? A Yes, sir.
- Q After you saw him with something glittering in his hand did you hear any report? A Yes, sir. Right quick.
- Q What was it you heard? A A shot.
- Q Up to that time had you seen any woman at all, up to the time you saw his face? A Only the lady in the lane.
- Q After that did you see any woman there, after you heard the report, the shot? A No, sir; I didn't. Not then.
- Q Did you see how many women were there? A No, sir; I couldn't see. It was dark.
- Q Now, then, was there any other man there at that time?
- A I couldn't see. I just ran for the mule.
- Q Before you ran for the mule when you saw the flash^{light} and the

voices, did you see a colored man there, anybody who looked like a colored man? A No, sir; I did not.

Q Not at that time? A I don't know.

Q After you saw this man and saw the thing and heard the shot, what did you do? A I run.

Q What did you hear after that? A Three shots after that, while I was mounting the mule I hear the three shots.

Q In your excitement did you lose your moccasin?

A I stumbled over a stump.

Q What happened? Did you lose your shoe? A I didn't know it until I got home.

Q Did you get on your mule? A Yes, sir.

Q What happened? Where did you go? A I ran right home.

Q On the mule? A Yes, sir.

Q What did you find to be the condition when you got home?

A When I stepped off the mule I got my foot wet, and then I found I lost my moccasin.

Q What did you do then? A I went in the house and stayed there a little while, and then decided I would go back-- still had the wagon in mind, and the corn.

Q What did you do? A I walked over to where I had the mule tied, thinking that my moccasin was there because I stumbled over that stump.

Q What did you do? Did you find your moccasin there?

A No, sir; I didn't. While I was there I heard somebody crying.

Q Crying? A Yes, sir.

Q I am not clear as to where you went when you were looking for your moccasin. Where did you go? To where you had tied your mule first? A Where I had tied the mule.

Q That is where you tied the mule so he wouldn't bray?

A Yes, sir.

Q You went back there looking for your moccasin? A Yes, sir.

Q Did you find it? A No, sir; I didn't.

Q What did you hear? A I heard somebody crying. I don't know what it was.

Q What did you do? A I just tied the mule there and I walked back to look around to see what I could see.

Q Where did that bring you to? Did it bring you to the place where you first had been? A Yes, sir.

Q What did you do?

A I looked through the bushes and I saw a lady kneeling down or stooping down; I don't know which.

Q Was she crying or laughing? A She was crying.

Q How long did you watch her? A Not very long.

Q Was the moon up? A Yes, sir. *moon was very bright*

Q Do you know who she is? Have you identified her?

A I have since.

Q Who is she? A Mrs. Hall.

Q How was she acting when she was kneeling down there?
Crying? A Crying.

Q She was crying? A Yes, sir.

Q At that time you couldn't see these two things in front
were bodies? A No, sir.

Q You didn't know they were bodies? A No, I didn't know
anything was there.

Q What did you see in front of her? A I thought they were
shadows of trees.

Q You didn't know they were bodies? A No, sir; I did not.

Q When you saw this lady crying could you tell how she was
dressed? A Yes, sir; she had a coat on like mine, a tan
coat.

Q How long? A I couldn't tell. I didn't see.

Q Do you know what kind of hat she had on? A No hat.

Q Could you tell whether her hair was white or not?

A White hair.

Q And a tan coat? A Yes.

Q You say "like mine."

A Mine was a little below my knees.

Q You say you didn't watch her very long? A No, sir.

Q When you looked at her was there any light there? Was the
moon up? A The moon was up, very bright.

Q You had no trouble in discerning her features? A No, sir.

Q Now, then, after this night were you taken anywhere to see if you could pick out the man that you said you saw there that night when the electric flashlight was on his face?

A Yes, sir; one day in the station, Pennsylvania Station.

Q Just describe what you did in the Pennsylvania Station.

A I just looked around.

Q You stood by the window? A Yes, sir. I saw a man. I saw a crowd of men standing talking together and then I just walked over and I looked around and I saw the man.

Q You saw this man? A Yes, sir; this man.

Q Who was with you? Was Mr. David with you?

A Yes, sir; Mr. David.

Q And you pointed him out to Mr. David? A Yes, sir.

Q Is this your moccasin? A Yes, sir; that is it.

Q You didn't find it yourself, did you? A No, sir.

Q But it was found? A I don't know.

Q That is your moccasin? A Yes, sir; that is my moccasin.

MR. SIMPSON: I want to have that marked.

(Object referred to marked State's Exhibit S-1.)